

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

SYLVESTER WORTHAM

PLAINTIFF

v.

CASE NO. 3:08-CV-00108BSM

**CITY OF JONESBORO, JONESBORO
CITY CODE ENFORCEMENT; and
JONESBORO CITY PARKS AND RECREATION**

DEFENDANTS

ORDER ON MOTION TO DISMISS

Presently before the court is defendants' motion to dismiss separate defendants Jonesboro City Code Enforcement and Jonesboro City Parks and Recreation. Plaintiff's response was due on September 2, 2008. To date, plaintiff has failed to file a response.

In their motion, Defendants assert that Jonesboro City Code Enforcement and Jonesboro City Parks and Recreation are not proper parties to the suit because they are not legal entities capable of suing or being sued. *See Brown v. Fifth Judicial Drug Task Force*, 255 F.3d 475 (8th Cir. 2001) (affirming the district court's dismissal of an unincorporated, intergovernmental, multijurisdictional drug task force); *Ketchum v. City of West Memphis*, 974 F.2d 81, 82 (8th Cir. 1992) (stating that the West Memphis Police Department and West Memphis Paramedic Services are simply departments or subdivisions of the City government, rather than juridical entities suable as such); *Edwards v. Baer*, 863 F.2d 606, 609 (8th Cir. 1988) (holding that the St. Louis Board of Police Commissioners is not a suable entity). *But see Tilson v. Forrest City Police Dep't*, 28 F.3d 802, 807 (8th Cir. 1994) (setting out what civil rights plaintiff must show for police department to be liable for constitutional violations).

As the City of Jonesboro is a named defendant, no prejudice will result from dismissing defendants Jonesboro City Code Enforcement and Jonesboro City Parks and Recreation.

Defendants' motion is granted.

Accordingly, defendant's motion to dismiss separate defendants Jonesboro City Code Enforcement and Jonesboro City Parks and Recreation (Doc. No. 13) is granted. Plaintiff's complaint is dismissed as to separate defendants Jonesboro City Code Enforcement and Jonesboro City Parks and Recreation.

IT IS SO ORDERED THIS 8th day of September, 2008.


UNITED STATES DISTRICT JUDGE